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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CHARLES D. RIEL,

12 Petitioner,

13 v.

14 WARDEN, San Quentin State Prison,

15 Respondent.
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No. 2:01-cv-0507 MCE DB

DEATH PENALTY CASE

ORDER

17 On March 19, 2018, the court found petitioner has satisfied the requirements of 28 U.S.C.
18 § 2254(d) for claims 2 and 5 with respect to the special circumstance and penalty phase
19 determinations. (ECF No. 568.) The court previously granted petitioner's motion for an
20 evidentiary hearing on these aspects of claims 2 and 5. (ECF No. 204, 212.)

21 The court recognizes that in 2009 and 2010, the parties engaged in extensive preparation
22 for an evidentiary hearing. Given the narrowing of the claims which will be the subject of the
23 evidentiary hearing based on the recent order, and given the passage of time, the court will
24 schedule a status conference to discuss general preparation for the evidentiary hearing. Prior to
25 the conference, counsel for the parties shall meet and confer regarding the following: (1)
26 identification of any issues regarding the conduct of the evidentiary hearing that were resolved by
27 the court previously; (2) identification of issues that remain; (3) the amount of time needed to
28 prepare for the evidentiary hearing; and (4) whether either party will seek to conduct additional

1 discovery. Counsel shall file a joint statement prior to the status conference reflecting their points
2 of agreement, and any disagreement, on these four matters.

3 Accordingly, IT IS HEREBY ORDERED as follows:

- 4 1. By June 8, 2018, the parties shall file a joint statement regarding the four subjects
5 identified above.
- 6 2. The undersigned will hold a status conference on June 15, 2018 at 10:00 a.m. in
7 courtroom #27.

8 DATED: April 9, 2018

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12 /s/ DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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20 DB/orders.capital/riel evi hrg prep.sts
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